



1 On July 31, 1997, Appellants appealed Captain Matlick's decision to the Director of the  
2 Department of Personnel (DOP).

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4 On October 29, 1998, the DOP Director's designee, Mary Ann Parsons, conducted an allocation  
5 review of Appellants' positions. By letter dated December 2, 1998, Ms. Parsons determined that  
6 Appellant Konrad's position was properly allocated to the class of Office Assistant Lead and that  
7 Appellant Stredwick's position was properly allocated to the class of Office Assistant Senior.

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9 On December 21, 1998, Appellants filed timely exceptions to the Director's determination with the  
10 Personnel Appeals Board. Appellants provided an extensive list of their specific exceptions. In  
11 summary, Appellants take exception to the allocation review process utilized by the Director's  
12 designee and to the Director's designee's characterization of Appellants' duties as clerical in nature  
13 rather than as evidence management duties.

14  
15 **Motions.** At the outset of the hearing on Appellants' exceptions, the Board heard the parties'  
16 arguments on three separate motions.

17  
18 Respondent's Motion to Recuse Vice Chair Morgen.

19 Respondent argued that when Vice Chair Morgen was an Area Representative for the Washington  
20 Federation of State Employees, he directly represented the bargaining unit, that he acted on behalf  
21 of Appellants and that for purposes of an appearance of fairness, he should be recused from this  
22 appeal.

23  
24 Appellants argued that Vice Chair Morgen had no direct knowledge of issue before the Board in  
25 this appeal, that Respondent failed to show that he had a bias that would warrant recusal and that he  
26 should not be recused.

1  
2 After considering the arguments of the parties, the Board issued an oral ruling denying  
3 Respondent's motion. The Board now confirms its oral ruling. We find that Respondent failed to  
4 establish a basis for the recusal of Vice Chair Morgen. Respondent's motion was based on an  
5 overly broad argument. Vice Chair Morgen has not individually represented either Appellant.  
6 Furthermore, he had no prior knowledge of the specific issues in this appeal. Therefore,  
7 Respondent failed to show any substantive reason why Vice Chair Morgen should be recused.

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9 Appellant's Motion for a Closed Hearing.

10 The parties presented brief argument on this motion. In accordance with WAC 358-30-030(1), the  
11 Board granted the motion stating that if the Board determined that a *de novo* hearing was necessary,  
12 the attendees at the allocation exceptions hearing could potentially be called as witnesses.  
13 Therefore, the hearing was closed.

14  
15 Respondent's Motion to Dismiss.

16 Respondent asked the Board to grant the Motion to Dismiss that Respondent presented to the  
17 Director's designee. Respondent argued that Appellants' appeal should be dismissed because the  
18 appeal was barred by the doctrine of *res judicata*. Respondent asserted that prior to this appeal,  
19 Appellants had a full and fair opportunity before both the Department of Personnel (DOP) and the  
20 Personnel Appeals Board to argue for reallocation of their positions. Respondent contended that  
21 both DOP and the Board upheld Respondent's decision denying Appellant's prior reallocation  
22 request and that because the issues in this appeal are exactly the same as those previously brought to  
23 the Board, this appeal should be dismissed.

24  
25 Appellants argued that the merit system rules provide that when a position changes, the incumbent  
26 in the position may request a review of the position's allocation. Appellants asserted that once a

1 position is allocated to a classification, it does not remain allocated to the same class indefinitely  
2 and that under the provisions of WAC 356-10-060, Appellants have the right to appeal the  
3 allocation of their positions.

4  
5 The Board took the motion under advisement and hereby denies Respondent's Motion to Dismiss.  
6 WAC 356-10-060 sets forth the conditions under which an employee may request an allocation  
7 review. The rule provides, in part, that a review may be conducted "at the conclusion of a class  
8 study. . . ." The rule further provides that the director or designee will conduct an allocation  
9 review of the position and will issue a decision. The rule then provides that "an employee . . . may  
10 appeal the determination of the director of personnel or designee to the personnel appeals board as  
11 provided in Title 358 WAC." In this case, Appellants' positions were reviewed as a result of class  
12 study. Because a class study was conducted, under the provisions of WAC 356-10-060, Appellants  
13 have a right to request a review of their positions regardless of whether their positions were recently  
14 reviewed. Therefore, Respondent's motion is denied.

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16 **Summary of Appellants' Arguments on Exceptions.** Appellants argue that the Director's  
17 designee refused to allow certain evidence into the record and that the Director's designee failed to  
18 consider and resolve factual disputes. Appellants contend that since 1990, they have been  
19 performing duties that go beyond clerical duties and argue that the Director's designee should have  
20 allocated their positions on a "best fit" basis. Appellants further contend that Respondent has  
21 repeatedly acknowledged that a majority of their duties involve evidence management. Appellants  
22 admit that they have not testified in court, however, they contend that they have been subpoenaed to  
23 court. Appellants argue that they perform duties in the Spokane Crime Lab that are comparable to  
24 those performed by the Property and Evidence Custodian located in the Seattle Crime Lab.  
25 Appellants contend that they are responsible for maintaining the chain of evidence and the integrity  
26 of the court process. Therefore, Appellants contend that the records they maintain are specific to

1 property and evidence and that their duties meet the intent of the Property and Evidence Custodian  
2 classification.

3  
4 **Summary of Respondent's Arguments on Exceptions.** Respondent asserts that the duties and  
5 responsibilities Appellants perform are clerical in nature and that they do not perform duties related  
6 to property and evidence a majority of the time. Respondent further asserts that Appellants do not  
7 "dispose" of evidence other than to return it to the sender or another authorized recipient and that  
8 they do not respond to incident scenes to gather evidence into custody. Furthermore, Respondent  
9 asserts that the volume of evidence at the Spokane Crime Lab is significantly lower than the volume  
10 of evidence managed by the Seattle Crime Lab position. Because three times more evidence is  
11 managed by one person in the Seattle Crime Lab, Respondent contends that two people in the  
12 Spokane Crime Lab cannot spend a majority of their time managing a lesser volume of evidence.  
13 Respondent argues that Appellants do not perform all the functions intended to be encompassed by  
14 the Property and Evidence Custodian classification and that their positions are best described as  
15 performing unique and complex clerical duties as encompassed by the Office Assistant  
16 classifications.

17  
18 **Primary Issue.** Whether Appellants met their burden of proving that their positions should be  
19 reallocated from Office Assistant Lead and Office Assistant Senior to Property and Evidence  
20 Custodian.

21  
22 **Relevant Classifications.** Office Assistant Lead, class code 01012; Office Assistant Senior, class  
23 code 01011; and Property and Evidence Custodian, class code 41480.

24  
25 **Decision of the Board.** The purpose of a position review is to determine which classification best  
26 describes the overall duties and responsibilities of a position. A position review is neither a

1 measurement of the volume of work performed nor an evaluation of the expertise with which that  
2 work is performed. Also, a position review is not a comparison of work performed by employees in  
3 similar positions. A position review is a comparison of the duties and responsibilities of a particular  
4 position to the available classification specifications. This review results in a determination of the  
5 class which best describes the overall duties and responsibilities of the position. Liddle-Stamper v.  
6 Washington State University, PAB Case No. 3722-A2 (1994).

7  
8 WAC 358-30-022 provides that a hearing on exception to the Director's allocation determination  
9 shall be limited to the exceptions set forth in the notice of appeal. We consider exceptions based on  
10 the record that was created before the Director's designee. Therefore, when an employee offers  
11 information and documentation to the Director's designee, is it imperative that this information is  
12 accepted and considered by the Director's designee and then forwarded to the Board when  
13 exceptions are filed. However, it is also imperative that the parties offer information and  
14 documentation that is relevant, concise and illustrative of the scope and level of duties and  
15 responsibilities assigned to the employee. While Appellants in this case argue that information was  
16 offered but not accepted by the Director's designee, we find that the record is replete with examples  
17 of Appellants' assigned responsibilities and that further information is not required.

18  
19 In addition, Appellants take exception, in part, to the process used by the Director's designee. Our  
20 purpose is to determine which classification best describes the overall duties and responsibilities of  
21 Appellants' positions, not to determine what process the Director's designee should use when  
22 conducting an allocation review. *See, e.g., Isom v Depts. of Employment Security and Personnel*,  
23 *ALLO-97-0017* (1997).

1 Appellants work in the Spokane Crime Lab. The purpose of the crime lab is to deal with evidence  
2 from crime scenes. We agree with the Director designee's description of Appellants' duties. The  
3 Director's designee states:

4 They perform clerical assignments related to crime lab work requiring substantive  
5 knowledge of WSP policies and procedures, chain of evidence, evidence handling,  
6 etc. They receive and release evidence in person, by mail, or by UPS; assign lab  
7 numbers; determine proper storage of evidence; enter computer data regarding  
8 evidence; prepare statistical reports; assist in audits of evidence depositories; answer  
9 or refer phone inquiries; read and distribute mail; record and transcribe meeting  
10 minutes; maintain files, etc.

11 The Office Assistant Senior classification encompasses positions that perform a variety of complex  
12 clerical duties. The distinguishing characteristics state:

13 Independently performs a variety of complex clerical projects and assignments such  
14 as establishing and revising electronic or manual record keeping systems including  
15 data base files, preparing, reviewing, verifying and processing fiscal documents,  
16 resolving clerical problems, responding to inquiries regarding policies, procedures,  
17 and services, drafting correspondence, compiling reports, and reviewing, screening,  
18 verifying, and evaluating applications, forms, or requests for information.

19 Assignments and projects are of a complex nature. Independent performance of  
20 complex clerical assignments requires substantive knowledge of a variety of  
21 regulations, rules, policies, procedures, processes, materials, or equipment.  
22 Problems are resolved by choosing from established procedures and/or devising  
23 work methods. Plans and organizes work. Guidance is available for new or unusual  
24 situations. Deviation from established parameters requires approval. Work is  
25 periodically reviewed to verify compliance with established policies and procedures.

26 The Office Assistant Lead classification encompasses positions that lead staff and perform a variety  
of complex clerical duties. The distinguishing characteristics state:

Designated lead of office support staff. Regularly assigns, instructs, and checks the  
work of others. Independently performs the duties of Office Assistant Senior  
including a variety of complex clerical projects and assignments such as establishing  
and revising electronic or manual record keeping systems including data base files,  
monitoring and evaluating financial records and/or documents, resolving clerical  
problems, responding to inquiries regarding policies, procedures, and services,

1 drafting correspondence, compiling reports, and reviewing, screening, verifying, and  
2 evaluating applications, forms, or requests for information.

3 Assignments and projects are of a complex nature. Independent performance of  
4 complex clerical assignments requires substantive knowledge of a variety of  
5 regulations, rules, policies, procedures, processes, materials, or equipment.  
6 Problems are resolved by choosing from established procedures and/or devising  
7 work methods. Plans and organizes work. Guidance is available for new or unusual  
8 situations. Deviation from established parameters requires approval. Work is  
9 periodically reviewed to verify compliance with established policies and procedures.

10 Appellants' perform a variety of complex duties related to property and evidence by using  
11 established procedures. These duties and responsibilities are encompassed by the Office Assistant  
12 classifications. However, when there is a class definition that specifically includes a particular  
13 assignment and there is a general classification that has a definition which could also apply to the  
14 position, the position will be allocated to the class with the definition that includes the position.

15 Mikitik v. Dep'ts of Wildlife and Personnel, PAB No. A88-021 (1989).

16 The Property and Evidence Custodian classification encompasses positions that receive evidence,  
17 seized vehicles, and recovered and abandoned property into custody; dispose of evidence and  
18 property; provide chain of evidence testimony in courts of law; and gather evidence into custody at  
19 incident scenes.

20 Appellants receive evidence into custody and return evidence to the appropriate agencies. In  
21 addition, Appellants are responsible for the chain of evidence at the Spokane Crime Lab and have  
22 been subpoenaed to testify at court.

23 In reviewing the classification questionnaires submitted by Respondent, we find that Appellant  
24 Konrad spends 45 percent of her time directly handling evidence. The remaining 55 percent of her  
25 duties also encompass elements of evidence handling responsibilities. For example, she prepares  
26



1 scientific case reports used as evidence in court, she maintains case files and case logs, she is  
2 responsible for computerized case files and she works on projects to enhance laboratory procedures.  
3 (See Respondent's Exhibit 11). We find that Appellant Stredwick spends 45 percent of her time  
4 directly handling evidence. She spends the remainder of her time performing duties that include  
5 elements of evidence handling responsibilities. For example, she prepares scientific case reports  
6 used as evidence in court, she maintains case files and case logs, and she is responsible for  
7 computerized case files. (See Respondent's Exhibit 16).

8  
9 We have carefully reviewed the documents provided by both parties regarding the volume of  
10 evidence received and the amount of time Appellants spend handling evidence. Appellants'  
11 average evidence management time is .64 hours per case. They deal with approximately 12 pieces  
12 of new evidence per day. (See Respondent's Exhibit 19). Therefore, between the two of them,  
13 Appellants spend approximately 7.68 hours per day handling new evidence. In addition, they return  
14 approximately 12 pieces of evidence per day. If we assume that returning evidence requires .10  
15 hours per case, Appellants spend an additional 1.2 hours per day returning evidence. Therefore, on  
16 average, Appellants spend approximately 8.88 hours per day handling evidence. Although it  
17 appears that Respondent's other crime labs may handle evidence more efficiently than the Spokane  
18 Crime Lab, a position review is not an evaluation of the efficiency of work processes nor of the  
19 expertise with which work is performed. In this case, based on the procedures and processes  
20 utilized in the Spokane Crime Lab, Appellants perform duties and responsibilities related to  
21 evidence handling a majority of the time.

22  
23 We recognize that Appellants do not perform all of the duties intended to be performed by Property  
24 and Evidence Custodians. However, the overall purpose of Appellants' positions is to perform a  
25 variety of complex work specifically related to evidence handling. Therefore, on a best fit basis,  
26

1 Appellants' positions are best described by the Property and Evidence Custodian classification and  
2 their positions should be reallocated.

3  
4 **Conclusion.** The appeal on exceptions by Appellants should be granted and their positions should  
5 be reallocated to the Property and Evidence Custodian classification. The determination of the  
6 Director, dated December 2, 1998, should be reversed.

7  
8 **ORDER**

9 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellants is  
10 granted and the determination of the Director, dated December 2, 1998, is reversed.

11  
12 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

13 WASHINGTON STATE PERSONNEL APPEALS BOARD

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15 \_\_\_\_\_  
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17 \_\_\_\_\_  
Gerald L. Morgen, Vice Chair

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19 \_\_\_\_\_  
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